

**Statement by Mr. Danilo Türk, United Nations
Assistant Secretary-General for Political Affairs,
to the Sub-Committee on Africa, Global Human Rights and
International Operations, on the UN Commission on Human Rights:
Protector or Accomplice?, 19 April 2005**

Mr. Chairman,

Distinguished members of the Sub-Committee,

I feel privileged to have the opportunity to brief you on some of the current activities pursuant to the Secretary-General's far-reaching proposals on the reform of the United Nations.

As you are aware, the Secretary-General submitted his report entitled "In Larger Freedom: Towards Development, Security and Human Rights for All" on 21 March 2005. I do not have to dwell on all the aspects of that report but should emphasize its basic premise: the report contains a comprehensive set of proposals to strengthen and – where necessary – to change the UN structure in the fields of development, security and human rights. All these three areas of work are approached as a matter of urgency and human rights feature prominently in this context.

Another fundamental feature of the Secretary-General's proposals is that they should not come as a surprise. While innovative, most of them are not entirely new and many have matured in discussions held over a number of years.

The proposal for the creation of the Human Rights Council is one of them. Politically speaking, the major innovation here is the vision of three principal organs of the United Nations: the Security Council, the Economic and Social Council and the Human Rights Council. This vision, once carried out by the establishment of the Human

Rights Council, would give human rights its rightful place in the UN structure. While the idea per se is not entirely new - it was discussed in the human rights community, notably at the time prior to the Vienna Conference on Human Rights in 1993 – it has now found a very strong expression in the Secretary-General's package of reforms.

How should the Human Rights Council function? The Secretary-General has explained some of the basic ideas in his recent address at the Commission on Human Rights in Geneva. He started with a critique of the current system, in particular, the Commission on Human Rights:

“...the Commission's ability to perform its tasks has been overtaken by new needs, and undermined by the politicization of its sessions and the selectivity of its work. We have reached a point at which the Commission's declining credibility has cast a shadow on the reputation of the United Nations system as a whole, and where piecemeal reforms will not be enough.”

From here on the Secretary-General continued with his proposal:

“I have proposed that the Council be a standing body, able to meet when necessary rather than for only six weeks each year as at present. It should have an explicitly defined function as a chamber of peer review. Its main task would be to evaluate the fulfillment by all states of all their human rights obligations. This would give concrete expression to the principle that human rights are universal and indivisible. Equal attention will have to be given to civil, political, economic, social and cultural

rights, as well as the right to development. And it should be equipped to give technical assistance to states, and policy advice to states and UN bodies alike.”

How should the Human Rights Council be selected?

In essence, like his *modus operandi*, the selection of members will ultimately depend on decisions of the UN Member States. However, the Secretary-General proposed three procedural devices which should help:

First, the Council would be elected by two-thirds majority in the General Assembly. This means that candidates nominated by the five regional groups – even if supported fully by the regional group – will have to gain two-thirds of the votes in the General Assembly. This is an important guarantee that the elected will have credibility in the area of implementation of human rights.

Second, the Council should be smaller than the current Commission, which would encourage better rotation among its members.

And third, the Council members should undertake to abide by the highest human rights standards. This would lead to scrutiny and peer review prior to elections and should allow for more specific criteria for membership in the Council to emerge over time. While at present it would be difficult to agree on sufficiently precise criteria, the scrutiny of the pledges would lead to their gradual establishment.

Obviously this approach does not preclude an abstract definition of criteria right from the outset. But the Secretary-General is aware that Member States are not yet prepared for sufficiently focused negotiations at this stage.

Finally, Mr. Chairman, let me emphasize that the success of this proposal will depend on the support of Member States. As always in the United Nations, the decision will depend on the breadth of support among States. The forthcoming Ministerial Conference of the Community of Democracies in Santiago, Chile, will be an early opportunity to galvanize the necessary support.

Thank you, Mr. Chairman.